

**Before the State of South Carolina
Department of Insurance**

In the matter of:

David W. Boyd
5001 Roper Mt. Road 296
Greenville, South Carolina 29615.

File Number 2002-113445.
**Default Order Revoking
Resident Insurance Agent's License**

This matter comes before me pursuant to a Letter of Allegation and Notice of Opportunity for Public Hearing served, as required within S.C. Code Ann. § 38-3-170 (Supp. 2000), by the State of South Carolina Department of Insurance upon David w. Boyd by both certified mail, return receipt requested, and by regular mail on September 27, 2002.

That letter informed Mr. Boyd of his right to request a public hearing upon the allegations of impropriety contained within the letter against him. The letter further warned that his failure to make a timely, written request would result in my summary revocation of his license to do business as a resident insurance agent within the State of South Carolina. Despite that warning, David Boyd has failed to respond to the Department's letter. On November 8, 2002, therefore, counsel for the Department filed an Affidavit of Default, and the entire matter was submitted directly to me for my summary decision based solely on the record.

The letter alleged, and I now find as fact, that the South Carolina Circuit Court of General Sessions, Greenville County, convicted David W. Boyd of "Drug Possession of other Schedule 1 to 5, 1st.offense, on March 25, 2002, docket Number 2001GS2307272.

S.C. Code Ann. § 38-43-130 (Supp. 2000) provides: "The director or his designee may revoke or suspend an agent's license after ten day's notice...when it appears that an agent has been convicted of a crime of moral involving moral turpitude, has violated this title or any regulation promulgated by the Department, or has willfully deceived or dealt unjustly with the citizens of this State." Mr. Boyd's crime is a violation of the insurance laws of South Carolina.

In accordance with my findings of fact, and considering Mr. Boyd's failure to avail herself of his opportunity to be heard, I now conclude, as a matter of law, that David Boyd's resident insurance agent license should be revoked.

This administrative disciplinary order is a public record subject to the disclosure requirements of the State of South Carolina's *Freedom of Information Act*, S.C. Code Ann. §§ 30-40-10, *et seq.* (1991 and Supp. 2000). Nothing contained within this administrative disciplinary order should be construed to limit or to deprive any person of any private right of action under the law. Nothing contained within this administrative disciplinary order should be construed to limit, in any manner, the criminal jurisdiction of any law enforcement or judicial officer. Nothing contained within this administrative disciplinary order should be construed to limit the statutory duty of the Director of Insurance, exercised either directly or through the Department of Insurance, to "report to the Attorney General or other appropriate law

enforcement officials criminal violations of the law relative to the business of insurance or the provisions of this title which he considers necessary to report.” S.C. Code Ann. § 38-3-110 (4) (Supp. 2000).

It is therefore ordered that David W. Boyd’s license to transact business as a resident insurance agent within the State of South Carolina be, and is hereby, revoked, and that no license, issued through the State of South Carolina Department of Insurance is to be issued to him.

It is further ordered that a copy of this order be transmitted to the National Association of Insurance Commissioners for distribution to its current member states and to each insurer for which David Boyd is currently licensed, through the State of South Carolina Department of Insurance, as a resident insurance agent within the State of South Carolina.

This order takes effect upon the date of my signature below.


Ernst N. Csiszar
Director

8 November 2002, at
Columbia, South Carolina

**Before the State of South Carolina
Department of Insurance**

In the matter of:

SCDOI File Number 2002-113445.

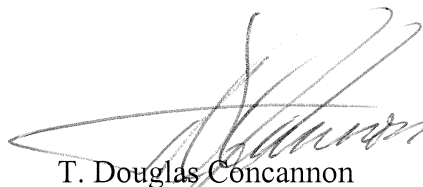
David W. Boyd
5001 Roper Mt. Road 296
Greenville, South Carolina 29615.

Affidavit of Default

Personally appeared before me T. Douglas Concannon, who, being duly sworn, stated that at all times relevant to this Affidavit of Default he was an attorney representing the State of South Carolina Department of Insurance in this administrative action. He further stated the following:

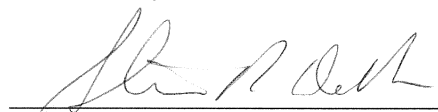
The Department served notice on David W. Boyd at the address detailed above by a Letter of Allegation and Notice of Opportunity for a Public Hearing that the Department would request the Director of Insurance to summarily revoke his license to act as a resident insurance agent within the State of South Carolina in thirty days. The Department served the Notice, pursuant to S.C. Code Ann. § 38-3-170 (2002), by “depositing it in the United States mail, postage prepaid, addressed to the last known address of the person and registered with the return receipt requested.” That Notice further informed Mr. Boyd of his opportunity, within thirty days, to request in writing a public hearing.

The United States Postal Service effected service of the Notice by certified mail, return receipt requested, and by regular mail, on or about September 9, 2002, and again on September 27, 2002. The United States Postal Service notified David Boyd of the certified letter on October 13, 2002. *See* “Exhibit A” attached. The United States Post Office at Greenville, SC Mr. Boyd has made no request for a public hearing or any other response to the Notice. The time in which to do so has expired. He is now in default.



T. Douglas Concannon
Associate General Counsel

Sworn to and subscribed before me
this 7th. day of November, 2002.



Steven R. DuBois
Notary Public for the State of South Carolina
My Commission Expires May 10, 2009

South Carolina Department of Insurance
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